

### REMARKS

The Office Action mailed November 2, 2009 and the Advisory Action mailed November 24, 2009 were received and carefully reviewed.

Claims 1-6 and 13-18 were pending prior to the instant response. Presently, claims 1-3, 13-16, and 18 are hereby amended to clarify the invention, and not for reasons of patentability. By way of this response, claims 5 and 17 are canceled without prejudice or disclaimer, and new claims 25 and 26 are added. Claims 7-12 and 19-24 were canceled by a previous reply. Consequently, claims 1-6, 13-18, 25 and 26 are currently pending in the instant application.

Reconsideration and withdrawal of the currently pending rejections are requested for the reasons advanced in detail below.

#### ***Claim Rejections - 35 U.S.C. § 103***

Claims 1-4 and 6 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Wei et al. (U.S. Patent No.: 5,156,986) (*Wei*, hereinafter) in view of Mori et al. (U.S. Patent No.: 5,243,202) (*Mori*, hereinafter). Claims 5 and 13-18 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Wei* in view of *Mori*, and in further view of Sasaki et al. (U.S. Patent No.: 6,956,236 B1) (*Sasaki*, hereinafter). Applicants traverse the rejections for at least the reasons advanced in detail below.

Independent claims 1-3 and 13-15, and the claims dependent therefrom, are patentably distinguishable over *Wei*, *Mori*, and *Sasaki*, taken either alone or in combination, since these applied references fail to disclose, teach, or suggest each and every feature recited in the pending claims. For example, independent claims 1-3 and 13-15 are directed to, *inter alia*, the feature of:

***.... a layer comprising titanium oxide formed over an entire surface of a substrate...*** (Emphasis added)

Applicants contend that neither *Wei*, *Mori*, nor *Sasaki*, taken either alone or in combination, anticipate or render obvious at least the above-recited feature with respect to present independent claims 1-3 and 13-15.

As seen on pages 2 and 6 of the Office Action, the Examiner equates the gate conductor layer 14 of *Wei* with “the layer comprising titanium” of the present invention. Moreover, the Examiner equates the gate electrode layer 40b of *Sasaki* with the titanium oxide layer that is currently recited in present independent claims 1-3 and 13-15.

Applicants assert that layer 14 of *Wei* and layer 40b of *Sasaki* are both layers of the gate electrode disclosed in their respective references, and that neither the gate electrode of *Wei* nor the gate electrode of *Sasaki* are “formed over an entire surface of a substrate”, as recited in present independent claims 1-3 and 13-15. In addition, Applicants contend that *Mori* fails to remedy the above-recited deficiencies with respect to *Wei* and *Sasaki*.

Consequently, the Examiner has failed to provide a proper *prima facie* case of obviousness with respect to at least the feature of “a layer comprising titanium oxide formed over **an entire surface** of a substrate,” as recited in present independent claims 1-3 and 13-15. Consequently, Applicants respectfully request that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn, and that present independent claims 1-3 and 13-15 receive allowance.

Claims 4, 6, 16, and 18 are allowable at least by virtue of their dependency from one of the independent claims, but also because they are distinguishable over the prior art. Accordingly, Applicants respectfully request the withdrawal of the rejection, and the allowance of these claims.

New claims 25 and 26 are distinguishable over the prior art, and thus are in condition for immediate allowance. Applicants respectfully solicit such action.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. If, however, the Examiner deems that any issue remains after considering this response, the Examiner is invited to contact the undersigned attorney to expedite the prosecution and engage in a joint effort to work out a mutually satisfactory solution.

**Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this

application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 19-2380. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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